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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,718	04/06/2000	Eduardo Cue	P2513/561	9145

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

Robert M. Pond

Art Unit

3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Robert M. Pond
Patent Examiner

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant's arguments are not persuasive. PRN does not teach away from Henson. Henson teaches the system and method of Dell Computer's online bundling system and Premier Pages. PRN teaches GE Capital modeling their online commerce system after Dell's model. Both teach a system and method of bundling products in order to achieve a total system of components that are compatible, and each teach specific organizations having their own company-specific password protected web ordering tool to order bundled products. Henson teaches companies using the Primer pages to control what products and bundles can be purchased by members of an organization. The Examiner believes Dell in view of PRN is proper.

The Applicant's arguments pertaining to independent claims 48, 60, 69, and 77 are not persuasive. The body of each independent claim does not claim the customer making a selection resulting in an order being sent directly to the manufacture. Regardless, Dell already provides this teaching of pre-approved bundling and ordering. PRN teaches GE Capital enhancing this feature with a common business practice of exercising control over final decision-making authority.

The Applicant's arguments are not persuasive. Whether it's presenting computer products or presenting automotive products, these products are just items bundled together to make a total system. It is the underlying data used by the online system that determines whether it is a computer item or an automobile item. The Applicant relying on this argument is essentially stating that an infinite number of patents can be issued using just the Henson patent alone- just change the data.

The Applicant's arguments are not persuasive. Henson establishes the bundling of items that are interrelated in some fashion (e.g. compatible, approved contract) which reads on a bundle of items that an administrator decides to group. The Applicant's claimed invention is all about the administrator establishing product bundles and making the bundles available for purchase. Henson teaches each computer having a set of compatible products, presenting the compatible set or products (this is bundling), some required and some optional, from which the customer chooses.